

**BATHAE DUNNE LLP**

Yavar Bathae (CA 282388)  
yavar@bathaeedunne.com  
Edward M. Grauman (*p.h.v. forthcoming*)  
egrauman@bathaeedunne.com  
Andrew C. Wolinsky (*p.h.v. forthcoming*)  
awolinsky@bathaeedunne.com  
445 Park Avenue, 9th Floor  
New York, NY 10022  
Tel.: (332) 322-8835

Brian J. Dunne (CA 275689)  
bdunne@bathaeedunne.com  
633 West Fifth Street, 26th Floor  
Los Angeles, CA 90071  
Tel.: (213) 462-2772

*Interim Co-Lead Counsel for the  
Advertiser Class*

**SCOTT+SCOTT ATTORNEYS AT LAW LLP**

Kristen M. Anderson (CA 246108)  
kanderson@scott-scott.com  
230 Park Avenue, 17th Floor  
New York, NY 10169  
Tel.: (212) 223-6444

Christopher M. Burke (CA 214799)  
cburke@scott-scott.com  
David H. Goldberger (CA 225869)  
dgoldberger@scott-scott.com  
Kate Lv (CA 302704)  
klv@scott-scott.com  
600 W. Broadway, Suite 3300  
San Diego, CA 92101  
Tel.: (619) 233-4565

Patrick J. McGahan (*pro hac vice*)  
pmcgahan@scott-scott.com  
Michael P. Srodoski (*pro hac vice*)  
msrodoski@scott-scott.com  
156 South Main Street, P.O. Box 192  
Colchester, CT 06415  
Tel.: (860) 537-5537

(Additional counsel on signature page)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MAXIMILIAN KLEIN, et al., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 20-CV-08570-LHK

The Hon. Lucy H. Koh

**CLASS ACTION**

**ADMINISTRATIVE MOTION TO SEAL  
TEXT FROM JOINT DISCOVERY  
LETTER BRIEF RE: PRIVILEGE  
DISPUTE**

Pursuant to Civil Local Rules 79-5 and 7-11 and the Stipulated Protective Order (“Protective Order”) entered on June 21, 2021 (ECF No. 111), the Advertiser Plaintiffs (the “Submitting Party”) hereby submits this Administrative Motion to File Under Seal (“Motion”) text from Advertiser and Consumer Classes and Defendant Facebook, Inc.’s (the “Designating Party”) Joint Discovery Letter Brief re: Privilege Dispute (“Letter Brief”).<sup>1</sup> The selected text in the Letter Brief has been designated by Defendant as “Confidential” and/or “Highly Confidential” under the Protective Order.

Civil Local Rule 79-5 requires a party seeking sealing to “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

Civil Local Rule 79-5(e) allows the moving party to “request[] sealing of documents because they have been designated confidential by another party or a non-party under a protective order[.]” *Connor v. Quora, Inc.*, No. 18-cv-07597-BLF, 2020 WL 8474751, at \*1 (N.D. Cal. Oct. 26, 2020). Here, the Designating Party that produced the documents at issue did so pursuant to the Protective Order. *See* Declaration of Brian J. Dunne, ¶5. Section 7.2 of the Protective Order prohibits the public dissemination of documents that have been designated as “Confidential” or “Highly Confidential.” Advertiser Plaintiffs therefore request that the Court authorize the filing under seal of the following materials:

**Protected Text from Submitting Party’s Letter Brief**

- Two block-quoted paragraphs on page 2, which are quoted from a document produced by Designating Party with bates number PALM-002033234.
- Several words on page 3, which are quoted from documents produced by the Designating Party with bates numbers PALM-002033147–48, PALM-002033151, and PALM-002033558.

Advertiser Plaintiffs will serve the Dunne Decl. on Designating Party Facebook, Inc. concurrently with the filing of this Motion. Civil L.R. 79-5(e). Designating Party Facebook, Inc. will

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<sup>1</sup> Consumer Plaintiffs and Defendant Facebook, Inc. do not oppose this motion.

1 then have four days to file a declaration establishing that all of the designated material is sealable.  
2 Civil L.R. 79-5(e)(1).

3 In light of the foregoing, Advertiser Plaintiffs respectfully request that the Court grant their  
4 motion to seal and enter the proposed order.

5 Dated: October 14, 2021

6 Respectfully submitted,

7 By: /s/ Brian J. Dunne

8 **BATHAEE DUNNE LLP**

9 Brian J. Dunne (Bar No. 275689)

10 bdunne@bathaeedunne.com

633 West Fifth Street, 26th Floor

Los Angeles, CA 90071

(213) 462-2772

11 Yavar Bathaee (Bar No. 282388)

12 yavar@bathaeedunne.com

Edward M. Grauman (admitted *pro hac vice*)

13 egrauman@bathaeedunne.com

Andrew C. Wolinsky (admitted *pro hac vice*)

14 awolinsky@bathaeedunne.com

445 Park Avenue, 9th Floor

15 New York, NY 10022

(332) 322-8835

16  
17 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**

Kristen M. Anderson (Bar No. 246108)

18 kanderson@scott-scott.com

230 Park Avenue, 17th Floor

19 New York, NY 10169

(212) 223-6444

20 Christopher M. Burke (Bar No. 214799)

21 cburke@scott-scott.com

David H. Goldberger (Bar No. 225869)

22 dgoldberger@scott-scott.com

Yifan (Kate) Lv (Bar No. 302704)

23 klv@scott-scott.com

600 W. Broadway, Suite 3300

24 San Diego, CA 92101

(619) 233-4565

25 Patrick J. McGahan (admitted *pro hac vice*)

26 pmcgahan@scott-scott.com

Michael P. Srodoski (admitted *pro hac vice*)

27 msrodoski@scott-scott.com

156 South Main Street, P.O. Box 192

Colchester, CT 06415  
(860) 537-5537

**AHDOOT & WOLFSON, PC**

Tina Wolfson (Bar No. 174806)  
twolfson@ahdootwolfson.com  
Robert Ahdoot (Bar No. 172098)  
rahdoot@ahdootwolfson.com  
Theodore W. Maya (Bar No. 223242)  
tmaya@ahdootwolfson.com  
Rachel Johnson (Bar No. 331351)  
rjohnson@ahdootwolfson.com  
2600 West Olive Avenue, Suite 500  
Burbank, CA 91505  
(310) 474-9111

**LEVIN SEDRAN & BERMAN LLP**

Keith J. Verrier (admitted *pro hac vice*)  
kverrier@lfsblaw.com  
Austin B. Cohen (admitted *pro hac vice*)  
acohen@lfsblaw.com  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106-3997  
(215) 592-1500

*Interim Counsel for the Advertiser Class*